

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES STRAIN,

Plaintiff,

No. CIV S-05-0474 GEB GGH P

vs.

CHIEF MEDICAL OFFICER  
R. SANDHAM, et al.,

Defendants.

ORDER

Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff, who has been paroled, noticed several discovery motions for hearing on November 15, 2007. By Order, filed on October 31, 2007, the parties were directed to file a joint statement pursuant to E.D. Cal. L.R. 37-251(c). The October 31, 2007, Order stated specifically:

For each disputed category or individual item, include: (1) the specific disputed discovery category or item; (2) the response; (3) the moving party's position; and (4) the opposition. E.D. Cal. L.R. 37-251(c)(3).

The joint statement was filed timely and signed by defendants' counsel and by plaintiff pro se. The court's review, however, indicates that plaintiff's (or moving party's) position in the dispute has not been set forth. The statement indicates that all discovery disputes have been resolved

1 except for those set forth; however, the omission of plaintiff's position with respect to each  
2 request set forth, which position was expressly required by the court's order, coupled with  
3 plaintiff's signature must be construed by the court as acquiescence by plaintiff to defendants'  
4 position. Therefore, plaintiff's motions for discovery will be denied and the hearing vacated.

5 Accordingly, IT IS ORDERED that plaintiff's pending motions for discovery are  
6 denied, and the hearing on those motions, set for November 15, 2007, is vacated.

7 DATED: 11/13/07

/s/ Gregory G. Hollows

8  
9 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

10 GGH:009  
stra0474.vac